



Agriculture & Environment Appropriations Committee

Thursday, January 12, 2006

8:30 a.m.

306 House Office Building



Florida House of Representatives

Fiscal Council

Agriculture & Environment Appropriations Committee

Allan Bense
Speaker

Stan Mayfield
Chair

Agenda for

Date: January 12, 2006

Location: 306 House Office Building, Tallahassee, FL

Time: 8:30 a.m.

- I. Call to Order
- II. Roll Call
- III. HB 167 by Hays—Household Movers
- IV. Presentation on Beach Renourishment Status
 - Michael Barnett, Chief, Bureau of Coastal Systems, Department of Environmental Protection
- V. Discussion of Land Management and Acquisition
 - Lynda Godfrey, Bureau Chief Of Land Acquisition, Department of Environmental Protection
- VI. Budget Workshop
- VII. Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 167 Household Moving Services
SPONSOR(S): Hays and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 244

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Agriculture Committee</u>	<u>11 Y, 0 N</u>	<u>Reese</u>	<u>Reese</u>
2) <u>Agriculture & Environment Appropriations Committee</u>	<u></u>	<u>Davis</u> <i>GDAG</i>	<u>Dixon</u> <i>LSB</i>
3) <u>State Resources Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

The bill amends the "Intrastate Moving Law" to change the title to "Household Moving Services" and also to expand and clarify certain definitions. Definitions for the terms "household move", "moving broker", and "moving container" are added. The bill requires moving brokers to register with the Department of Agriculture and Consumer Services (department) and post specific financial security. Additionally, the legislation requires movers' vehicle display signage to have a minimum letter height of 1.5 inches, clarifies additional insurance valuation coverage requirements and provides that the department may suspend registration and seek civil penalties for failure to carry valid liability insurance. The bill also clarifies the requirements for limitation of liability disclosure to the consumer and provides that a county or municipality may not issue an occupational license unless the mover or broker has a current registration with the department.

HB 167 does not appear to require state or local governments to spend funds.

The bill takes effect on July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard individual liberty and promote personal responsibility – The bill states that a mover's failure to maintain the required liability insurance coverage "constitutes an immediate threat to the public health, safety, and welfare."¹

B. EFFECT OF PROPOSED CHANGES:

Present situation: The 2002 Legislature enacted laws regulating the intrastate moving industry in Florida. Any mover wishing to do business in the state must register annually with the Department of Agriculture and Consumer Services (department). To obtain a registration certificate, the mover must file an application, pay a registration fee in the amount of \$300, and meet statutory qualifications.

The law requires a mover to maintain cargo liability insurance coverage in the amount of \$10,000 per shipment and limits the mover's liability to not less than 60 cents per pound of cargo. Minimum limits of motor vehicle coverage are also specified in the amounts of \$50,000, \$100,000, and \$300,000 per occurrence.

Proposed changes: The bill amends Chapter 507, Florida Statutes, the intrastate moving law, to:

- Change the title of the chapter from "Intrastate Moving Law" to "Household Moving Services".
- Expand and clarify certain existing definitions and to add definitions for the terms "household move", "moving broker", and "moving container".
- Require moving brokers to register with the department and post specific financial security. A mover that operates two or fewer vehicles may post a performance bond or certificate of deposit in the amount of \$25,000 in lieu of the cargo legal liability coverage.²
- Require movers' vehicle display signage to have a minimum letter height of 1.5 inches.
- Clarify additional insurance valuation coverage requirements for coverage of a consumer's goods.
- Provide that the department may suspend registration and seek civil penalties for failure to carry valid liability insurance.
- Clarify the requirements for limitation of liability disclosure to the consumer.
- Exempt from the hearing requirements of chapter 120, Florida Statutes, proceedings conducted by the department against a mover that fails to maintain the required insurance coverage.³
- Provide that a county or municipality may not issue an occupational license unless the mover or broker has a current registration with the department.

C. SECTION DIRECTORY:

Section 1. Requests the Division of Statutory Revision to redesignate the title of ch. 507, F.S.

Section 2. Amends s. 507.01, F.S.; revising definitions; defining new terms; clarifying licensing requirements for household movers and moving brokers; applying the licensing requirements; clarifying and conforming provisions.

Section 3. Amends s. 507.02, F.S.; clarifying the construction, application and intent of the licensing requirements.

¹ Proposed s. 507.04 (1)(a), F.S.

² Proposed s. 507.04(1)(b), F.S.

³ Proposed s. 120.80(2)(d), F.S.

Section 4. Amends s. 507.03, F.S.; requiring moving brokers to register with the Department of Agriculture and Consumer Services; providing registration requirements and fees; providing for certificate of registration; requiring display of certificate; clarifying registration requirements for household movers and moving brokers; requiring brokers to obtain local registration or license under certain circumstances; revising advertising requirements; requiring a mover's vehicles to display certain signage; providing for denial, refusal to renew, or revocation of registration of mover or moving broker; requiring brokers to provide evidence of certain insurance coverage; revising requirement for mover to provide evidence of certain insurance coverage.

Section 5. Amends s. 507.04, F.S.; clarifying requirements that a mover maintain certain insurance coverage; requiring a mover to submit evidence of liability insurance before registration; providing requirements for liability insurance coverage; authorizing the Department of Agriculture and Consumer Services to suspend a mover's registration and seek an injunction in circuit court if the mover fails to maintain insurance coverage; providing penalties; authorizing certain movers and requiring moving brokers to maintain a performance bond or certificate of deposit in lieu of certain liability insurance coverage; providing requirements for the performance bond or certificate of deposit; providing for payment of claims pursuant to department order in an administrative proceeding; specifying that insurance coverage must be issued by a licensed insurance company or carrier; prohibiting certain limits of liability for a mover's loss or damage of a shipper's goods; requiring certain disclosures of liability limitations; authorizing a mover to offer valuation coverage under specified conditions; providing that valuation coverage meeting specified conditions satisfies certain liability of a mover; requiring certain disclosures of valuation coverage.

Section 6. Amends s. 507.05, F.S.; revising requirements for content of contracts.

Section 7. Amends s. 507.06, F.S.; revising provisions for delivery and storage of household goods.

Section 8. Amends s. 507.07, F.S.; requiring that moving brokers annually register with the department; revising provisions relating to prohibited acts and violations; specifying that the making of certain false statements is a violation of ch. 507, F.S., regardless of whether the statements are material; clarifying and conforming provisions.

Section 9. Amends s. 507.08, F.S.; clarifying and conforming provisions relating to deceptive and unfair trade practice.

Section 10. Amends s. 507.09, F.S.; conforming language relating to administrative remedies and penalties.

Section 11. Amends s. 507.10, F.S.; conforming language relating to civil penalties and remedies.

Section 12. Amends s. 507.11, F.S.; providing penalties.

Section 13. Amends s. 507.12, F.S.; conforming language regarding deposit of payments into the General Inspection Trust Fund.

Section 14. Amends s. 507.13, F.S.; conforming language relating to local regulations.

Section 15. Creates s. 205.1975, F.S.; prohibiting a county or municipality from issuing or renewing an occupational license to a mover or moving broker under certain circumstances.

Section 16. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Indeterminate. See fiscal comments below.

2. Expenditures:

The bill appears to have no impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill appears to have no impact on local government revenues.

2. Expenditures:

The bill appears to have no impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill requires moving brokers to submit a form of security deposit in the amount of \$25,000 and annually register and pay a \$300 registration fee with the Department of Agriculture and Consumer Services. The bill also requires movers to include signage at least 1.5 inches in height on their moving vehicles. In addition, the bill allows movers with less than three trucks to submit security to the department in the amount of \$25,000, in lieu of the required liability insurance coverage.

D. FISCAL COMMENTS:

Movers are currently required to pay an annual \$300 registration fee to the Department of Agriculture and Consumer Services and this bill extends this requirement to moving brokers as well. Some recurring revenue may accrue to the General Inspection Trust Fund housed within the department from the annual registration fee that would be collected from moving brokers. This amount is indeterminate as there are no statistics available on the number of moving brokers in Florida.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to take an action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenues in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

The bill contains no grant of rule-making authority.

C. DRAFTING ISSUES OR OTHER COMMENTS: None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

N/A

1 A bill to be entitled

2 An act relating to household moving services; requesting
3 the Division of Statutory Revision to redesignate the
4 title of ch. 507, F.S.; amending s. 507.01, F.S.; revising
5 definitions; defining "household move," "moving broker,"
6 and "moving container"; amending s. 507.02, F.S.; revising
7 the construction, application, and intent of regulations
8 for household moving services; providing for application
9 to moving brokers; amending s. 507.03, F.S.; revising
10 mover registration provisions and providing for
11 application to moving brokers; requiring moving brokers to
12 register with the Department of Agriculture and Consumer
13 Services; providing requirements and fees for such
14 registration; providing for certificate of registration;
15 requiring display of the certificate; requiring brokers to
16 obtain local registration or license when required by the
17 county or municipality where the broker's principal place
18 of business is located; deleting provisions for issuance
19 by the department of a certificate of registration when a
20 mover submits proof of local license or registration;
21 revising requirements for content of contracts; revising
22 advertising requirements; requiring a mover's vehicles to
23 display certain signage; revising provisions for changes
24 in registration; providing for denial, refusal to renew,
25 or revocation of registration; revising requirements to
26 provide evidence of current and valid insurance coverage
27 to include certain alternative coverage; amending s.
28 507.04, F.S.; revising provisions requiring a mover to

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29 | maintain certain insurance coverages; requiring a mover to
30 | submit evidence of liability insurance before
31 | registration; providing requirements for liability
32 | insurance coverage; authorizing the Department of
33 | Agriculture and Consumer Services to suspend a mover's
34 | registration and seek an injunction in circuit court if
35 | the mover fails to maintain insurance coverage; providing
36 | penalties; authorizing certain movers and requiring moving
37 | brokers to maintain a performance bond or certificate of
38 | deposit in lieu of certain liability insurance coverage;
39 | providing requirements for the performance bond or
40 | certificate of deposit; providing for payment of claims
41 | pursuant to department order in an administrative
42 | proceeding; revising requirements for motor vehicle
43 | coverage; specifying that insurance coverages must be
44 | issued by a licensed insurance company or carrier;
45 | prohibiting certain limits of liability for a mover's loss
46 | or damage of a shipper's goods; requiring certain
47 | disclosures of liability limitations; authorizing a mover
48 | to offer valuation coverage under specified conditions;
49 | providing that valuation coverage meeting specified
50 | conditions satisfies certain liability of a mover;
51 | requiring certain disclosures of valuation coverage;
52 | amending s. 507.05, F.S.; revising requirements for
53 | content of contracts; amending s. 507.06, F.S.; revising
54 | provisions for delivery and storage of household goods to
55 | provide for delivery to a storehouse or warehouse;
56 | amending s. 507.07, F.S.; requiring that moving brokers

annually register with the department; revising provisions relating to prohibited acts and violations; specifying that making certain false statements is a violation regardless of whether the statements are material; amending s. 507.11, F.S.; providing penalties; amending ss. 507.08, 507.09, 507.10, 507.12, and 507.13, F.S., relating to deceptive and unfair trade practice, administrative remedies and penalties, civil penalties and remedies, the General Inspection Trust Fund, and local regulation; providing for application to moving brokers; clarifying and conforming provisions; providing for the adoption of rules; creating s. 205.1975, F.S.; prohibiting a county or municipality from issuing or renewing an occupational license to a mover or moving broker under certain circumstances; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. The Division of Statutory Revision is requested to redesignate the title of chapter 507, Florida Statutes, as "HOUSEHOLD MOVING SERVICES."

Section 2. Section 507.01, Florida Statutes, is amended to read:

507.01 Definitions.--As used in this chapter ~~For the purposes of this act,~~ the term:

(1) "Accessorial services" means any service performed by a mover which results in a charge to the shipper and is incidental to the transportation or shipment of household goods

85 | ~~service~~, including, but not limited to, valuation coverage;
 86 | preparation of written inventory; equipment, including dollies,
 87 | hand trucks, pads, blankets, and straps; storage, packing,
 88 | unpacking, or crating of articles; hoisting or lowering; waiting
 89 | time; ~~long carry, which is defined as~~ carrying articles
 90 | excessive distances to or from ~~between~~ the mover's vehicle,
 91 | which may be cited as "long carry" ~~and the residence~~; overtime
 92 | loading and unloading; reweighing; disassembly or reassembly;
 93 | elevator or stair carrying; boxing or servicing of appliances;
 94 | and furnishing of packing or crating materials. The term
 95 | includes ~~Accessorial services also include~~ services not
 96 | performed by the mover but performed by a third party at the
 97 | request of the shipper or mover, if the charges for these ~~such~~
 98 | services are to be paid to the mover by the shipper at or before
 99 | ~~prior to~~ the time of delivery.

100 | (2) "Advertise" means to advise, announce, give notice of,
 101 | publish, or call attention by use of oral, written, or graphic
 102 | statement made in a newspaper or other publication or on radio
 103 | or television, any electronic medium, or contained in any
 104 | notice, handbill, sign, including signage on vehicle, flyer,
 105 | catalog or letter, or printed on or contained in any tag or
 106 | label attached to or accompanying any good.

107 | (3) "Compensation" means money, fee, emolument, quid pro
 108 | quo, barter, remuneration, pay, reward, indemnification, or
 109 | satisfaction.

110 | (4) "Contract for service" or "bill of lading" means a
 111 | written document approved by the shipper in writing before ~~prior~~
 112 | ~~to~~ the performance of any service which authorizes services from

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the named mover and lists the services and all costs associated with the ~~transportation of~~ household move ~~goods~~ and accessorial services to be performed.

(5) "Department" means the Department of Agriculture and Consumer Services.

(6) "Estimate" means a written document ~~that which~~ sets forth the total costs, ~~cost~~ and describes the basis of those ~~such~~ costs, relating ~~related~~ to a shipper's household move, including which shall include, but not be limited to, the loading, transportation or shipment, and unloading of household goods and accessorial services.

(7) "Household goods" or "goods" means personal effects or other personal property commonly found in a home, personal residence, ~~storage facility~~, or other dwelling location, including, but not limited to, household furniture. The term ~~property in a storehouse or warehouse facility that is owned or rented by a shipper or shipper's agent~~, but does not include freight or personal property moving to or from a factory, store, or other place of business.

(8) "Household move" or "move" means the loading of household goods into a vehicle, moving container, or other mode of transportation or shipment; the transportation or shipment of those household goods; and the unloading of those household goods, when the transportation or shipment originates and terminates at one of the following ultimate locations, regardless of whether the mover temporarily stores the goods while en route between the originating and terminating locations:

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- 141 (a) From one dwelling to another dwelling;
 142 (b) From a dwelling to a storehouse or warehouse that is
 143 owned or rented by the shipper or the shipper's agent; or
 144 (c) From a storehouse or warehouse that is owned or rented
 145 by the shipper or the shipper's agent to a dwelling.

146 (9)-(8) "Mover" means a ~~any~~ person who, for compensation,
 147 contracts for or engages in the loading, transportation or
 148 shipment, or unloading of household goods as part of a household
 149 move for compensation. The term does not include a postal,
 150 courier, envelope, or package service that does not advertise
 151 itself as a mover or moving service.

152 (10) "Moving broker" or "broker" means a person who, for
 153 compensation, arranges for another person to load, transport or
 154 ship, or unload household goods as part of a household move or
 155 who, for compensation, refers a shipper to a mover by telephone,
 156 postal or electronic mail, Internet website, or other means.

157 (11) "Moving container" means a receptacle holding at
 158 least 225 cubic feet of volume which is used to transport or
 159 ship household goods as part of a household move.

160 (12)-(9) "Shipper" means a ~~any~~ person who uses the services
 161 of a mover to transport or ship household goods as part of a
 162 household move.

163 (13)-(10) "Storage" means the warehousing of a ~~the~~
 164 shipper's goods while under the care, custody, and control of
 165 the mover.

166 Section 3. Section 507.02, Florida Statutes, is amended to
 167 read:

168 507.02 Construction; intent; application.--

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(1) This chapter ~~The provisions of this act~~ shall be construed liberally to:

(a) Establish the law of this state governing the loading, transportation or, shipment, unloading, and affiliated storage of household goods as part of household moves.

(b) Address household moving practices in this state in a manner that is not inconsistent with federal law governing ~~relating to~~ consumer protection.

(2) This chapter applies ~~The provisions of this act shall apply~~ to the operations of any mover or moving broker engaged in the intrastate transportation or shipment of household goods originating in this state and terminating in this state. ~~This chapter does not apply to, except this act shall not be construed to include~~ shipments contracted by the United States, the state, or any local government or political subdivision of the state. ~~The provisions of this act shall only apply to the transportation of household goods originating in this state and terminating in this state.~~

(3) This chapter is intended ~~It is the intent of this act~~ to secure the satisfaction and confidence of shippers and members of the public when using a mover.

(4) This chapter does not supersede ~~Nothing in this act shall be construed to remove~~ the authority or jurisdiction of any federal agency for ~~with respect to~~ goods or services regulated or controlled under other provisions of law.

Section 4. Section 507.03, Florida Statutes, is amended to read:

507.03 Registration.--

(1) Each mover and moving broker must ~~shall~~ annually register with the department, providing its legal business and trade name, mailing address, and business locations; the full names, addresses, and telephone numbers of its owners or corporate officers and directors and the Florida agent of the corporation; a statement whether it is a domestic or foreign corporation, its state and date of incorporation, its charter number, and, if a foreign corporation, the date it registered with the Department of State of Florida, ~~and occupational license where applicable~~; the date on which the a mover or broker registered its fictitious name if the mover or broker is operating under a fictitious or trade name; the name of all other corporations, business entities, and trade names through which each owner of the mover or broker operated, was known, or did business as a mover or moving broker within the preceding 5 years; and proof of the insurance or alternative coverages ~~coverage as required under s. 507.04 by this act~~.

(2) A certificate evidencing proof of registration shall be issued by the department and must be prominently displayed in the mover's or broker's primary place of business.

(3) Registration fees shall be \$300 per year per mover or moving broker. All amounts collected shall be deposited by the Chief Financial Officer to the credit of the General Inspection Trust Fund of the department for the sole purpose of administration of this chapter act.

(4) Any mover or moving broker whose principal place of business is located in a county or municipality that requires, by local ordinance, a local license or registration to engage in

225 | the business of moving and storage of household goods must ~~shall~~
 226 | obtain the license or registration from the ~~such~~ county or
 227 | municipality. A mover or broker that obtains a a ~~such~~ local
 228 | license or registration must ~~shall~~ also ~~be required to~~ pay the
 229 | state registration fee under subsection (3), ~~and the department~~
 230 | ~~shall issue the mover a state certificate of registration upon~~
 231 | ~~submission of proof of the local license or registration by the~~
 232 | ~~mover.~~

233 | (5) Each contract of a mover or moving broker must include
 234 | the phrase "(NAME OF FIRM) is registered with the State of
 235 | Florida as a Mover or Moving Broker. Registration No."

236 | (6) Each advertisement of a mover or moving broker must
 237 | include the phrase "Fla. Mover Reg. No." or "Fla. IM No.
 238 |" Each of the mover's vehicles must clearly and
 239 | conspicuously display a sign on the driver's side door which
 240 | includes at least one of these phrases in lettering of at least
 241 | 1.5 inches in height.

242 | (7) A ~~No~~ registration is not ~~shall be~~ valid for any mover
 243 | or broker transacting business at any place other than that
 244 | designated in the mover's or broker's ~~its~~ application, unless
 245 | the department is first notified in writing before ~~in advance of~~
 246 | any change of location. A registration issued under this chapter
 247 | is not ~~act shall not be~~ assignable, and the mover or broker may
 248 | ~~shall not be permitted to~~ conduct business under more than one
 249 | name except as registered. A mover or broker desiring to change
 250 | its registered name or location or designated agent for service
 251 | of process at a time other than upon renewal of registration
 252 | must ~~shall~~ notify the department of the ~~such~~ change.

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(8) The department may deny, ~~or~~ refuse to renew, or revoke the registration of any mover or moving broker based upon a determination that the mover or moving broker, or any of the mover's or moving broker's ~~its~~ directors, officers, owners, or general partners:

(a) Has failed to meet the requirements for registration as provided in this chapter ~~act~~;

(b) Has been convicted of a crime involving fraud, dishonest dealing, or any other act of moral turpitude;

(c) Has not satisfied a civil fine or penalty arising out of any administrative or enforcement action brought by any governmental agency or private person based upon conduct involving fraud, dishonest dealing, or any violation of this chapter ~~act~~;

(d) Has pending against him or her any criminal, administrative, or enforcement proceedings in any jurisdiction, based upon conduct involving fraud, dishonest dealing, or any other act of moral turpitude; or

(e) Has had a judgment entered against him or her in any action brought by the department or the Department of Legal Affairs under this chapter ~~pursuant to this act~~ or ss. 501.201-501.213, the Florida Deceptive and Unfair Trade Practices Act.

(9) Each mover and moving broker shall provide evidence of the current and valid insurance or alternative coverages required under ~~coverage as described in~~ s. 507.04.

Section 5. Section 507.04, Florida Statutes, is amended to read:

(Substantial rewording of section. See

s. 507.04, F.S., for present text.)

507.04 Required insurance coverages; liability
limitations; valuation coverage.--

(1) LIABILITY INSURANCE.--

(a)1. Except as provided in paragraph (b), each mover
operating in this state must maintain current and valid
liability insurance coverage of at least \$10,000 per shipment
for the loss or damage of household goods resulting from the
negligence of the mover or its employees or agents.

2. The mover must provide the department with evidence of
liability insurance coverage before the mover is registered with
the department under s. 507.03. All insurance coverage
maintained by a mover must remain in effect throughout the
mover's registration period. A mover's failure to maintain
insurance coverage in accordance with this paragraph constitutes
an immediate threat to the public health, safety, and welfare.
If a mover fails to maintain insurance coverage, the department
may immediately suspend the mover's registration or eligibility
for registration and the mover must immediately cease operating
as a mover in this state. In addition, and notwithstanding the
availability of any administrative relief pursuant to chapter
120, the department may seek from the appropriate circuit court
an immediate injunction prohibiting the mover from operating in
this state until the mover complies with this paragraph, a civil
penalty not to exceed \$5,000, and court costs.

(b) A mover that operates two or fewer vehicles, in lieu
of maintaining the liability insurance coverage required under

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paragraph (a), may, and each moving broker must, maintain one of the following alternative coverages:

1. A performance bond in the amount of \$25,000, for which the surety of the bond must be a surety company authorized to conduct business in this state; or

2. A certificate of deposit in a Florida banking institution in the amount of \$25,000.

The original bond or certificate of deposit must be filed with the department and must designate the department as the sole beneficiary. The department must use the bond or certificate of deposit exclusively for the payment of claims to consumers who are injured by the fraud, misrepresentation, breach of contract, misfeasance, malfeasance, or financial failure of the mover or moving broker or by a violation of this chapter by the mover or broker. Liability for these injuries may be determined in an administrative proceeding of the department or through a civil action in a court of competent jurisdiction. However, claims against the bond or certificate of deposit must only be paid, in amounts not to exceed the determined liability for these injuries, by order of the department in an administrative proceeding. The bond or certificate of deposit is subject to successive claims, but the aggregate amount of these claims may not exceed the amount of the bond or certificate of deposit.

(2) MOTOR VEHICLE INSURANCE.--Each mover operating in this state must maintain current and valid motor vehicle insurance coverage, including combined bodily injury and property damage liability coverage in the following minimum amounts:

(a) Fifty thousand dollars per occurrence for a commercial motor vehicle with a gross weight of less than 35,000 pounds.

(b) One hundred thousand dollars per occurrence for a commercial motor vehicle with a gross weight of 35,000 pounds or more, but less than 44,000 pounds.

(c) Three hundred thousand dollars per occurrence for a commercial motor vehicle with a gross weight of 44,000 pounds or more.

(3) INSURANCE COVERAGES.--The insurance coverages required under paragraph (1)(a) and subsection (2) must be issued by an insurance company or carrier licensed to transact business in this state under the Florida Insurance Code as designated in s. 624.01. The department shall require a mover to present a certificate of insurance of the required coverages before issuance or renewal of a registration certificate under s. 507.03. The department shall be named as a certificateholder in the certificate and must be notified at least 30 days before any changes in insurance coverage.

(4) LIABILITY LIMITATIONS; VALUATION RATES.--A mover may not limit its liability for the loss or damage of household goods to a valuation rate that is less than 60 cents per pound per article. A provision of a contract for moving services is void if the provision limits a mover's liability to a valuation rate that is less than the minimum rate under this subsection. If a mover limits its liability for a shipper's goods, the mover must disclose the limitation, including the valuation rate, to the shipper in writing at the time that the estimate and contract for services are executed and before any moving or

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accessorial services are provided. The disclosure must also
inform the shipper of the opportunity to purchase valuation
coverage if the mover offers that coverage under subsection (5).

(5) VALUATION COVERAGE.--A mover may offer valuation
coverage to compensate a shipper for the loss or damage of the
shipper's household goods that are lost or damaged during a
household move. If a mover offers valuation coverage, the
coverage must indemnify the shipper for at least the minimum
valuation rate required under subsection (4). The mover must
disclose the terms of the coverage to the shipper in writing at
the time that the estimate and contract for services are
executed and before any moving or accessorial services are
provided. The disclosure must inform the shipper of the cost of
the valuation coverage, the valuation rate of the coverage, and
the opportunity to reject the coverage. If valuation coverage
compensates a shipper for at least the minimum valuation rate
required under subsection (4), the coverage satisfies the
mover's liability for the minimum valuation rate.

Section 6. Section 507.05, Florida Statutes, is amended to
read:

507.05 Estimates and contracts for service.--~~Before~~ Prior
to providing any moving or accessorial services, a contract and
estimate must be provided to a prospective shipper in writing,
must be signed and dated by the shipper and the mover, and must
include:

(1) The name, telephone number, and physical address where
the mover's employees are available during normal business
hours.

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(2) The date the contract or estimate is prepared and any proposed date of the move.

(3) The name and address of the shipper, the addresses where the articles ~~items~~ are to be picked up and delivered, and a telephone number where the shipper may be reached.

(4) The name, telephone number, and physical address of any location where the goods will be held pending further transportation, including situations where the mover retains possession of goods pending resolution of a fee dispute with the shipper.

(5) An itemized breakdown and description and total of all costs and services for loading, transportation or shipment, unloading, and accessorial services to be provided during a household move or storage of household goods.

(6) Acceptable forms of payment. A mover shall accept a minimum of two of the three following forms of payment:

(a) Cash, cashier's check, money order, or traveler's check;

(b) Valid personal check, showing upon its face the name and address of the shipper or authorized representative; or

(c) Valid credit card, which shall include, but not be limited to, Visa or MasterCard.

A mover must ~~shall~~ clearly and conspicuously disclose to the shipper in the estimate and contract for services the forms of payments the mover will accept, including the forms of payment ~~from those categories~~ described in paragraphs (a)-(c).

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Section 7. Section 507.06, Florida Statutes, is amended to read:

507.06 Delivery and storage of household goods.--

(1) A mover must relinquish household goods to a shipper and must place the goods inside a shipper's dwelling or, if directed by the shipper, inside a storehouse or warehouse that is owned or rented by the shipper or the shipper's agent, unless the shipper has not tendered payment in the amount specified in a written contract or estimate signed and dated by the shipper. A mover may not refuse to relinquish prescription medicines and goods for use by children, including children's furniture, clothing, or toys, under any circumstances.

(2) A mover may not refuse to relinquish household goods to a shipper or fail to place the goods inside a shipper's dwelling or, if directed by the shipper, inside a storehouse or warehouse that is owned or rented by the shipper or the shipper's agent, based on the mover's refusal to accept an acceptable form of payment.

(3) A mover that lawfully fails to relinquish a shipper's household goods may place the goods in storage until payment is tendered; however, the mover must notify the shipper of the location where the goods are stored and the amount due within 5 days after receipt of a written request for that information from the shipper, which request must include the address where the shipper may receive the notice. A mover may not require a prospective shipper to waive any rights or requirements under this section.

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Section 8. Section 507.07, Florida Statutes, is amended to read:

507.07 Violations.--It is a violation of this chapter act to:

(1) Conduct business as a mover or moving broker, or advertise to engage in the business of moving or offering to move, without first being registered annually with the department.

(2) Knowingly make any false statement, representation, or certification in any application, document, or record required to be submitted or retained under this chapter act.

(3) Misrepresent or deceptively represent:

(a) The contract for services, bill of lading, or inventory of household goods for the move estimated.

(b) The timeframe or schedule for delivery or storage of household goods estimated.

(c) The price, size, nature, extent, qualities, or characteristics of accessorial or moving services offered.

(d) The nature or extent of other goods, services, or amenities offered.

(e) A shipper's rights, privileges, or benefits.

(4) Fail to honor and comply with all provisions of the contract for services or bill of lading regarding the purchaser's rights, benefits, and privileges thereunder.

(5) Withhold delivery of household goods or in any way hold goods in storage against the expressed wishes of the shipper if payment has been made as delineated in the estimate or contract for services.

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(6) (a) Include in any contract any provision purporting to waive or limit any right or benefit provided to shippers under this chapter ~~act~~.

(b) Seek or solicit a ~~such~~ waiver or acceptance of limitation from a shipper concerning rights or benefits provided under this chapter ~~act~~.

(c) Use a local mailing address, registration facility, drop box, or answering service in the promotion, advertising, solicitation, or sale of contracts, unless the mover's, and, if applicable, the moving broker's, fixed business address is clearly disclosed during any telephone solicitation and is prominently and conspicuously disclosed on all solicitation materials and on the contract.

(d) Commit ~~Do~~ any other act of ~~which constitutes~~ fraud, misrepresentation, or failure to disclose a material fact.

(e) Refuse or fail, or for any of the mover's or broker's principal officers to refuse or fail, after notice, to produce any document or record or disclose any information required to be produced or disclosed.

(f) Knowingly make a ~~material~~ false statement in response to any request or investigation by the department, the Department of Legal Affairs, or the state attorney.

Section 9. Section 507.08, Florida Statutes, is amended to read:

507.08 Deceptive and unfair trade practice.--Acts, conduct, practices, omissions, failings, misrepresentations, or nondisclosures committed in ~~which constitute~~ a violation of this chapter are ~~act also constitute~~ a deceptive and unfair trade

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~~practices under practice for the purpose of~~ ss. 501.201-501.213,
the Florida Deceptive and Unfair Trade Practices Act, and
administrative rules adopted in accordance with the act
~~thereunder.~~

Section 10. Section 507.09, Florida Statutes, is amended
to read:

507.09 Administrative remedies; penalties.--

(1) The department may enter an order doing one or more of
the following if the department finds that a mover or moving
broker, or a person employed or contracted by a mover or broker,
has violated or is operating in violation of ~~any of the~~
~~provisions of this chapter act~~ or the rules or orders issued in
accordance with this chapter thereunder:

(a) Issuing a notice of noncompliance under ~~pursuant to~~ s.
120.695.

(b) Imposing an administrative fine not to exceed \$5,000
for each act or omission.

(c) Directing that the person cease and desist specified
activities.

(d) Refusing to register or revoking or suspending a
registration.

(e) Placing the registrant on probation for a period of
time, subject to the such conditions specified by ~~as~~ the
department ~~may specify~~.

(2) The administrative proceedings which could result in
the entry of an order imposing any of the penalties specified in
subsection (1) are governed by chapter 120.

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529 (3) The department may adopt rules under ss. 120.536(1)
530 and 120.54 to administer this chapter ~~has the authority to adopt~~
531 ~~rules pursuant to chapter 120 to implement this act.~~

532 Section 11. Section 507.10, Florida Statutes, is amended
533 to read:

534 507.10 Civil penalties; remedies.--

535 (1) The department may institute a civil action in a court
536 of competent jurisdiction to recover any penalties or damages
537 authorized ~~allowed~~ in this chapter act and for injunctive relief
538 to enforce compliance with this chapter act.

539 (2) The department may seek a civil penalty of up to
540 \$5,000 for each violation of this chapter act.

541 (3) The department may seek restitution for and on behalf
542 of any shipper aggrieved or injured by a violation of this
543 chapter act.

544 (4) Any provision in a contract for services or bill of
545 lading from a mover or moving broker that purports to waive,
546 limit, restrict, or avoid any of the duties, obligations, or
547 prescriptions of the mover or broker, as provided in this
548 chapter act, is void ~~and unenforceable and against public~~
549 ~~policy~~.

550 (5) The remedies provided in this chapter act are in
551 addition to any other remedies available for the same conduct,
552 including those provided in local ordinances.

553 (6) Upon motion of the department in any action brought
554 under this chapter act, the court may make appropriate orders,
555 including appointment of a master or receiver or sequestration
556 of assets, to reimburse shippers found to have been damaged, to

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carry out a consumer transaction in accordance with the shipper's reasonable expectations, or to grant other appropriate relief.

Section 12. Section 507.11, Florida Statutes, is amended to read:

507.11 Criminal penalties.--

(1) The refusal of a mover or a mover's employee, agent, or contractor to comply with an order from a law enforcement officer to relinquish a shipper's household goods after the officer determines that the shipper has tendered payment of the amount of a written estimate or contract, or after the officer determines that the mover did not produce a signed estimate or contract upon which demand is being made for payment, is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A mover's compliance with an order from a law enforcement officer to relinquish goods to a shipper is not a waiver or finding of fact regarding any right to seek further payment from the shipper.

(2) Except as provided in subsection (1), any person or business that violates this chapter ~~act~~ commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 13. Section 507.12, Florida Statutes, is amended to read:

507.12 General Inspection Trust Fund; payments.--Any moneys recovered by the department as a penalty under this chapter ~~act~~ shall be deposited in the General Inspection Trust Fund.

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Section 14. Section 507.13, Florida Statutes, is amended to read:

507.13 Local regulation.--

(1) This chapter does not ~~The provisions of this act are not intended to~~ preempt local ordinances or regulations of a county or municipality which ~~that~~ regulate transactions relating to movers of household goods or moving brokers. As provided in s. 507.03(4), counties and municipalities may require, levy, or collect any registration fee or tax or require the registration or bonding in any manner of any mover or moving broker.

(2) The department may enter into a cooperative agreement with any county or municipality which ~~that~~ provides for the referral, investigation, and prosecution of consumer complaints alleging violations of this chapter ~~act~~.

Section 15. Section 205.1975, Florida Statutes, is created to read:

205.1975 Household moving services; consumer protection.--A county or municipality may not issue or renew an occupational license for the operation of a mover or moving broker under chapter 507 unless the mover or broker exhibits a current registration from the Department of Agriculture and Consumer Services.

Section 16. This act shall take effect July 1, 2006.

Amendment No. 1

COUNCIL/COMMITTEE ACTION

Amendment No. 2

COUNCIL/COMMITTEE ACTION

1 Council/Committee hearing bill: Agriculture & Environment
2 Appropriations Committee
3 Representative Hays offered the following:
4
5 **Amendment**
6 Remove line 158 and insert:
7 least 200 cubic feet of volume which is used to transport or